

AMHERST REGULATIONS AFFECTING HOUSING

New regulations under development in *bold italics*

ZONING BYLAW

- ZBA Special Permit (which can be denied, and which imposes a property management plan) required for the following residential uses:
 - ~ Four to six lodgers or boarders (no separate kitchens; 1-3 people by right)
 - ~ Supplemental apartment (no more than 3 occupants)
 - ~ Duplex (by right through SPR in R-G and R-VC)
 - ~ Converted dwelling (conversion of existing structures; unit count varies with zoning district; by right in B-G)
 - ~ Apartments or townhouses (multifamily uses involving 3 or more units)
- Zoning requirements/limitations on the location and number of parking spaces
- Four unrelated 'family' definition limits occupancy in any single dwelling unit
- ***Functional Family Definitions/Unrelated Individuals*** – This amendment would add to the existing four-unrelated person limitation a definition identifying households on the basis of their function as a family, as well as their legally-recognized relation to one another.
- ***Parking*** – An amendment requiring the provision of paved parking spaces for new or altered residential uses.
- ***Duplexes*** – An amendment changing the permit requirement for duplexes in the R-G and R-VC districts not occupied by a resident owner from a by-right Site Plan Review approval to a discretionary Special Permit.
- Enforced by Building Commissioner and Code Education & Compliance Coordinator.

GENERAL BY-LAWS

- Article II, General Regulations
 - Conduct In or On Public Ways and Places
 - ~ *Open Containers of Alcohol* (Prohibits) – enforced by Police Dept.
 - ~ *Residential Parking* – Authorizes Select Board to create on-street permit parking.
 - Prohibitions
 - ~ *Unlawful Noise* – Prohibits persistent loud noise—music, out-of-control parties, etc.
 - ~ *Keg Licensing* – Requires those buying or possessing kegs of beer to obtain a license from Select Board.
 - ~ *Nuisance House* – Prohibits consumption of alcohol by underage persons; allows private parties to be declared a nuisance and closed down.

GENERAL BY-LAWS (cont.)

- Article IV, Regulations Relating to Real Estate and Real Estate Users
 - *Emergency Access Bylaw* – Requires provision for emergency access to multi-unit residential buildings.
 - *False Alarm Fees* – Imposes fees for false alarms.
 - ***Nuisance Property*** – New bylaw addressing property maintenance and public health and safety problems generated by poor management of rental properties, often in association with excess occupancy.
 - ***Residential Rental Regulations*** – New by-law requiring:
 - 1) registration of all rental units; and
 - 2) inspection, code safety certification, and registration of rental units prior to occupancy; and
 - 3) submission and approval of a parking plan for all rental properties involving 3 or more tenants.
- Enforced by Police Department and Code Education & Compliance Coordinator.

BUILDING & FIRE CODE REGULATIONS

- Local enforcement of state building & fire codes for single family homes, multi-unit residential uses or group occupancy
- Inspections during construction or alterations requiring building permits
- Annual inspections of large ‘group’ residential uses—apartment complexes, dormitories, fraternities/sororities, etc.
- Inspections in responses to complaints about zoning or building code violations
- Enforced by building and fire inspectors

HEALTH CODE REGULATIONS

- Local enforcement of local and state health codes and regulations governing residential occupancy
- Rental registration regulation (local health regulation—rarely used; no mechanism for comprehensive registration; insufficient personnel resources to implement and enforce) – To be replaced by new regulation, see above.
- Enforcement by Health Director and health inspectors (Sanitarian)